



Atty. Dkt. No. 016777-0454

THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Indu J. Isaacs
Title: GLP-2 FORMULATIONS
Appl. No.: 09/750,022
Filing Date: 12/29/2000
Examiner: Chih Min Kam
Art Unit: 1653
Conf. No.: 6419

**REQUEST FOR RECONSIDERATION OF
PATENT TERM ADJUSTMENT UNDER 35 U.S.C. §154 (b)**

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

Applicant is in receipt of the Notice of Allowance dated April 4, 2005 for the above-captioned application. However, Applicant disagrees with the Determination of Patent Term Adjustment under 35 USC 154(b) and presents the following facts to support the contention that the patent term reward should be 494 days instead of 0 days due to PTO examination delay.

Bases for the Adjustment: Applicant filed a response to the non-final office action dated March 8, 2002, on June 10, 2002. The next office action was not issued by the PTO until February 5, 2003, which should result in Patent Term Adjustment of 118 days. Applicant notes that the PAIR system indicates that this response was received in the PTO on November 15, 2002. However, Applicant contends that the response was filed on June 10, 2002, and enclosed herewith is a copy PTO date-stamped postcard supporting this contention.

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Additionally, the present application was filed on December 29, 2000, therefore, as of December 29, 2003, the application has been pending for longer than three years, which should result in patent term adjustment of 534 days, if the issue fee is paid three months after the mailing date of the Notice of Allowance and the patent issues 28 weeks after the mailing date of the Notice of Allowance. This patent application is not subject to a terminal disclaimer.

Correct Patent Term Adjustment: Below is Applicant's calculation of Patent Term Adjustment, indicating that the adjustment should be 494 days:

Event Description	Event Date	Days from Filing	PTO Days	Applicant Days
Application Filing Date	12/29/2000	0		
Notice to File Missing Parts	02/15/2001	48		
Response to Notice to File Missing Parts	04/16/2001	108		
Restriction Requirement	01/03/2002	370		
Restriction Requirement Response Received at PTO	02/01/2002	399		
Non-Final Office Action	03/08/2002	434		
Non-Final Office Action + 3 months	06/08/2002	526		
Non-Final Office Action Response Received at PTO	06/10/2002	528		2
Non-Final Office Action Response Received at PTO + 4 months	10/10/2002	650		
Non-Final Office Action	02/05/2003	768	118	
Non-Final Office Action + 3 months	05/05/2003	857		
Non-Final Office Action Response Received at PTO	07/09/2003	922		65
Non-Final Office Action	09/16/2003	991		
Non-Final Office Action + 3 months	12/16/2003	1,082		
Non-Final Office Action Response Received at PTO	03/16/2004	1,173		91
3 Year Period Starts	04/25/2004	1,213		
Final Office Action	06/08/2004	1,257		
Final Office Action Response Received at PTO	09/07/2004	1,348		
Non-Final Office Action	10/04/2004	1,375		
Non-Final Office Action Response Received at PTO	01/04/2005	1,467		
Notice of Allowance	04/04/2005	1,557		
Projected Patent Grant Date	10/11/2005	1,747	534	
		652	158	
		494		

37 C.F.R. § 1.705(b)(iv)(A) statement: Applicant submits that the Responses to the Office Actions, filed on June 10, 2002, July 9, 2003, and March 16, 2004, constituted failure to engage in reasonable efforts to conclude processing of the application and should result in a 158 day adjustment.

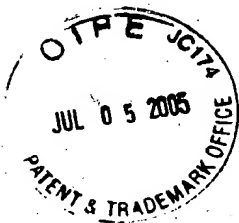
Enclosed with this request is the fee of \$200.00 as set forth in 37 C.F.R §1.18(e). Furthermore, the Commissioner is hereby authorized to charge any additional fees which may be required regarding this application under 37 C.F.R. §§ 1.16-1.17, or credit any overpayment, to Deposit Account No. 19-0741. Should no proper payment be enclosed herewith, as by a check being in the wrong amount, unsigned, post-dated, otherwise improper or informal or even entirely missing, the Commissioner is authorized to charge the unpaid amount to Deposit Account No. 19-0741.

Respectfully submitted,

Date 5 July 2005

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for Michele M. Simkin
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Registration No. 34,717



IN THE US PATENT AND TRADEMARK OFFICE

Receipt is hereby acknowledged of the following:

Docket No. 016777/0454

Applicant: Indu J. ISAACS
Serial No.: 09/750,022
Filing Date: December 29, 2000
For: GLP-2 Formulations

Examiner: C. Kam
Art Unit: 1653

1. Amendment and Reply Under 37 C.F.R. §1.111 and Marked Version Showing Changes (7 pgs.);
2. Exhibit 1 - Claim For Convention Priority (1 pg.) with a Certified Copy of UK Prov. 9930882.7, filed December 20, 1999.

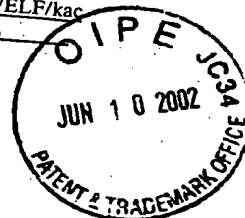
File in Mailroom

Date Filed: June 10, 2002 (Monday)

Due Date: June 3, 2002 (Saturday)

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